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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MBHB/TRADING TECHNOLOGIES
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

EXAMINER	
KANERVO, VIRPI H	

ART UNIT	PAPER NUMBER
3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/634,415	HIGHLAND ET AL.	
	Examiner	Art Unit	
	VIRPI H. KANERVO	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1. Claims 28-39 are presented for examination. Applicant filed a request for continued examination ('RCE') on 03/01/2009 and canceling claims 1-27; and adding new claims 28-39. Examiner has carefully considered Applicant's arguments directed to the Smith (2002/0130868 A1) reference, but finds them not persuasive.

Response to Arguments

2. Applicant argues that Smith reference does not teach "an annotation price level and annotation information specified by a user," nor "displaying the annotation information along the price axis at the annotation price level." Examiner disagrees.

Smith specifically teaches: "the analyst has the additional functionality ... to annotate the financial data through the screen in Fig. 10. The annotation may be incorporated into the chart or grid on the screen ... using graphic user interface (GUI) functions ... such as the drawing window in Fig. 10 or the text input window ... in Fig. 11" (Smith: page 10, ¶ 127). The drawing window of Fig.

10 discloses a price level. This price level is the cursor price, and it is specified by the user because the user decides at what level the cursor resides. Smith further teaches: "means may be provided for allowing analysts to dynamically enter comments and recommendations as text for view in the graphic presentation of financial data" (Smith: page 1, ¶ 12). The text input window of Fig. 11 discloses the means for user to enter the annotation, the user here is the analyst, and the user thus specifies the annotation information. Thus, Smith discloses

Smith also teaches: "the analyst may select the point of annotation as being on the axis of the graph/chart, for example ... price, volume, rate, and/or ratio indices on the vertical axis, as shown in Fig. 10" (Smith: page 10, ¶ 129). Thus, Smith discloses that the annotation is displayed along the price axis. Smith further teaches: "analyst-inputted textual annotations associated with selected financial data and/or a specified axis point on the chart" (Smith: page 10, ¶ 131). Thus, Smith discloses that the textual annotations can be associated both with selected financial data and specified axis point.

Therefore, Smith discloses both "an annotation price level and annotation information specified by a user" and "displaying the annotation information along the price axis at the annotation price level."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in § 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 28-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ram (2003/0004853 A1) in view of Smith (2002/0130868 A1).

As to claims 28 and 39, Ram shows displaying via a computing device a price axis, wherein the price axis includes a plurality of price levels for a tradeable object (Ram: Fig. 10, label 102); displaying via the computing device market data related to the tradeable object, wherein the market data is displayed along the price axis, wherein the market data includes bid and ask quantities for the tradeable object (Ram: Fig. 3, labels 200 and 305); and displaying via the computing device a plurality of order entry regions, wherein each order entry region is associated with a price level of the plurality of price levels, where each order entry region is adapted to receive a command to place an order for the tradeable object at the corresponding price level (Ram: Fig. 3, labels 200 and 305).

Ram does not show receiving via the computing device a definition for an annotation, wherein the definition includes an annotation price level and annotation information specified by a user, wherein the annotation price level includes at least one price level of the tradeable object; and displaying via the computing device the annotation by displaying the annotation information along the price axis at the annotation price level. Smith shows receiving via the computing device a definition for an annotation, wherein the definition includes an annotation price level (Smith: page 10, ¶ 127; and Fig. 10, "the drawing window") and annotation information specified by a user (Smith: page 1, ¶ 12), wherein the annotation price level includes at least one price level of the tradeable object (Smith: page 10, ¶ 127; and Fig. 10, "the drawing window"); and displaying via the computing device the annotation by displaying the annotation information along the price axis at the annotation price level (Smith: page 10, ¶ 129 and ¶ 131). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and the system of Ram by receiving via the computing device a definition for an annotation, wherein the definition includes an annotation price level and annotation information specified by a user, wherein the annotation price level includes at least one price level of the tradeable object; and displaying via the computing device the annotation by displaying the annotation information along the price axis at the annotation price level of Smith in order to permit an analyst to select any point at or substantially

adjacent to a financial data point for entering the commentary (Smith: page 10, ¶ 129).

As to claim 29, Ram in view of Smith shows all the elements of claim 28. Ram does not show that the definition includes an event associated with the tradeable object. Smith shows that the definition includes an event associated with the tradeable object (Smith: Fig. 11, "the text input window"). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram by the definition including an event associated with the tradeable object of Smith in order to permit an analyst to select any point at or substantially adjacent to a financial data point for entering the commentary (Smith: page 10, ¶ 129).

As to claim 30, Ram in view of Smith shows all the elements of claim 29. Ram also shows that the event comprises a market event (Ram: page 2, ¶ 25 and ¶ 27).

As to claim 31, Ram in view of Smith shows all the elements of claim 30. Ram also shows that the market event is associated with historical data (Ram: page 3, ¶ 56).

As to claim 32, Ram in view of Smith shows all the elements of claim 29. Ram also shows detecting via the computing device an occurrence of the event at a second price level (Ram: page 2, ¶ 25); and dynamically updating the display of the annotation to display the annotation information along the price axis at the second price level (Ram: page 2, ¶ 25).

As to claim 33, Ram in view of Smith shows all the elements of claim 29. Ram also shows detecting via the computing device an occurrence of the event associated with a second price level (Ram: page 2, ¶ 25).

Ram does not show displaying via the computing device the annotation by also displaying the annotation information at the second price level. Smith shows displaying via the computing device the annotation by also displaying the annotation information at the second price level (Smith: page 10, ¶ 129). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram by displaying via the computing device the annotation by also displaying the annotation information at the second price level of Smith in order to permit an analyst to select any point at financial data point for entering the commentary (Smith: page 10, ¶ 129).

As to claim 34, Ram in view of Smith shows all the elements of claim 28. Ram does not show that the annotation information includes a graphical indicator. Smith shows that the annotation information includes a graphical indicator (Smith: page 10, ¶ 127; and Fig. 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram by the annotation information including a graphical indicator of Smith in order to permit an analyst to select any point at financial data point for entering the commentary (Smith: page 10, ¶ 129).

As to claim 35, Ram in view of Smith shows all the elements of claim 34. Ram does not show that the graphical indicator further includes a text message corresponding to an event. Smith shows that the graphical indicator further includes a text message corresponding to an event (Smith: page 10, ¶ 127; and Fig. 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram by the graphical indicator further including a text message corresponding to an event of Smith in order to permit an analyst to select any point at financial data point for entering the commentary (Smith: page 10, ¶ 129).

As to claim 36, Ram in view of Smith shows all the elements of claim 28. Ram also shows that the annotation price level is determined based on a second tradeable object (Ram: page 2, ¶ 25).

As to claim 37, Ram in view of Smith shows all the elements of claim 28. Ram also shows displaying via the computing device a working order indicator, wherein the working order indicator corresponds to an order placed by the user for the tradeable object at a price level, wherein the working order indicator is displayed along the price axis at the corresponding price level (Ram: Fig. 3, labels 200 and 305).

As to claim 38, Ram in view of Smith shows all the elements of claim 28. Ram also shows displaying via the computing device a consolidated price interface, wherein the consolidated price interface represents a second plurality of price levels (Ram: page 2, ¶ 25).

Ram does not show that the second plurality of price levels is not within the plurality of price levels of the price axis, wherein a second annotation price level for a second annotation is within the second plurality of price levels; and displaying via the computing device second annotation information for the second annotation along the consolidated price interface at a location corresponding to the second annotation price level. Smith shows that the second plurality of price levels is not within the plurality of price levels of the price axis, wherein a second annotation price level for a second annotation is within the second plurality of price levels (Smith: page 10, ¶ 129); and displaying via the computing device second annotation information for the second annotation along

the consolidated price interface at a location corresponding to the second annotation price level (Smith: page 10, ¶ 129 and ¶ 131; and Fig. 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Ram by the second plurality of price levels being not within the plurality of price levels of the price axis, wherein a second annotation price level for a second annotation is within the second plurality of price levels; and displaying via the computing device second annotation information for the second annotation along the consolidated price interface at a location corresponding to the second annotation price level of Smith in order to permit an analyst to select any point at financial data point for entering the commentary (Smith: page 10, ¶ 129).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Escher (2003/0110124 A1) discloses method for providing a financial event identification service.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIRPI H. KANERVO whose telephone number is

571-272-9818. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Virpi H. Kanervo

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691